

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Webster on 27 October 2008.

The application has been amended as follows:

IN THE CLAIMS:

At line 7 of claim 1, "which catheter probe is" has been changed to --said catheter probe--; and at line 12, "which catheter tube is" has been changed to --said catheter tube adapted--; at line 14, --adapted to be inserted-- has been inserted following "and".

Allowable Subject Matter

2. Claims 1-22 are allowable over the prior art of record. The following is an examiner's statement of reasons for allowance: regarding claims 1-22, the prior art of record does not teach or fairly suggest: a device for effecting radiation treatment to a prostate of a human male comprising: a urethral probe; a catheter probe having an elongate body with a circumferential surface, and adapted to be inserted in the urethral

probe with its proximal end towards the prostate; the elongate body having a longitudinal bore extending from its distal end towards an outlet opening on the circumferential surface near the proximal end; a catheter tube having a distal end and sharp proximal end, the sharp end to be inserted through the bore of the elongated body through the outlet opening and adapted to be inserted through the urethral wall towards a desired treatment location in the prostate; said urethral probe being made of a material to be perforated by the sharp end of the catheter tube at arbitrary points relative to the prostate; and means for delivering a pre-planned amount of radiation via the catheter tube near the desired location within the prostate for effecting treatment, the catheter probe being movably accommodated within the urethral probe.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE D. HOPKINS whose telephone number is (571)272-9058. The examiner can normally be reached on Monday-Friday, 7 a.m.-3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. H./
Christine D Hopkins
Examiner
Art Unit 3735

/Charles A. Marmor, II/
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